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X. — *The Relation of the Πρόεδροι to the Πρυτάνεις in the Athenian Senate.*

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HALF a century ago no question in Greek antiquities was more disputed and more beset with difficulties than that relating to the presiding officers of the Athenian Senate and Assembly. Any one who now will have the patience to read Schömann's elaborate and learned argument in the sixth chapter of his *De Comitibus Atheniensium*, in which the duties of the Prytanes and Proedri are thoroughly discussed but the whole subject is left in hopeless confusion, and will then read the simple and perfectly clear statement of the matter contained in three sentences of Schömann's *Griechische Alterthümer* (I., p. 400, 3d ed.), will see at least that our knowledge of the antiquities of Athens has not been stationary since 1819. The whole question depends on establishing the relation between the Prytanes and the Proedri. It has always been understood that each of the ten Attic tribes was represented in the Senate of Five Hundred by fifty of its members, and that each of these bodies of fifty exercised important functions in the name of the Senate during a tenth of the Attic year, which period was called a *πρυτανεία*, the fifty senators during this time being called *πρυτάνεις* and their tribe the *πρυτανεύουσα φυλή*.<sup>1</sup> As the Attic lunar year had regularly 354 days (12 lunar months), occasionally 355 days, and in leap-years (which were introduced three times in each cycle of eight years, to bring the lunar years into harmony

<sup>1</sup> See Harpocration, s. v. *πρυτάνεις*: τὸ δέκατον μέρος τῆς βουλῆς τῶν πεντακοσίων, πεντήκοντα ἄνδρες ἀπὸ μιᾶς φυλῆς, οἱ διοικούντες ἅπαντα τὰ ὑπὸ τῆς βουλῆς πραττόμενα, πρυτάνεις ἐκαλοῦντο. ἐπρυτάνευον δὲ ἐκ διαδοχῆς ἀλλήλαις αἱ δέκα φυλαὶ κλήρῳ λαχοῦσαι. See also s. v. *πρυτανείας*: ἔστι δὲ ἀριθμὸς ἡμερῶν ἡ πρυτανεία ἦτοι τριάκοντα ἕξ ἢ τριάκοντα πέντε, καὶ ἐκάστη φυλὴ πρυτανεύει. διελλεκται δὲ περὶ τούτων Ἀριστοτέλης ἐν τῇ Ἀθηναίων πολιτείᾳ.

with the sun) 384 days, the length of a prytany was 35 or 36 days in ordinary years, and 38 or 39 days in leap-years. It is further clear from Thuc. VI. 14, where Nicias addresses the presiding officer of the Assembly in the words, καὶ σὺ, ὦ πρύτανι, ταῦτα . . . ἐπιψήφίζε, that in 415 B. C. one of the Prytanes was the ἐπιστάτης of the Assembly. But on other occasions we find officers called πρόεδροι presiding in both Senate and Assembly,<sup>1</sup> and one of these, who is called ἐπιστάτης τῶν προέδρων,<sup>2</sup> is said ἐπιψηφίζειν, like the πρύτανις in Thucydides. As such passages seemed to establish the identity of the presiding πρόεδρος and the presiding πρύτανις beyond question, little heed was given to the plain statement of Pollux, who had access to Aristotle's work on the Athenian Constitution, and of other good authorities, that the ἐπιστάτης was one of the Prytanes, and that, whenever the Prytanes convened either the Senate or the Assembly, this ἐπιστάτης chose by lot nine πρόεδροι, one from (the senators of) each of the ten tribes except his own.<sup>3</sup> Such statements were generally referred to another set of πρόεδροι, otherwise unknown, who had nothing to do with the presidency of the Senate or the Assembly; and the authority of obscure scholiasts, the impersonal Ulpian, and writers of ὑποθέσεις, was cited to support the view, that the fifty Prytanes were subdivided into five sections of ten, each of which sections presided in both Senate and Assembly during one fifth of each prytany (generally seven days), during which they were called πρόεδροι, and each set of ten πρόεδροι chose a president, also called ἐπιστάτης, from their own number, to be their spokes-

<sup>1</sup> Aeschin. *F. Leg.* 65 : τοὺς προέδρους ἐπιψηφίζειν τὰς γνώμας. Cf. 68 : εἰ δὲ ἐπιψηφίσαι τοῖς προέδροις. *Ctes.* 75 : τίς ὁ ταῦτα ἐπιψηφίσας πρόεδρος;

<sup>2</sup> Aeschin. *Ctes.* 39 : τὸν δ' ἐπιστάτην τῶν προέδρων διαχειροτονίαν διδόναι τῷ δήμῳ.

<sup>3</sup> Poll. *Onom.* viii. 96 : ἐπιστάτης δ' ἐστὶν εἰς τῶν πρυτάνεων, ὁ κλήρω λαχὼν . . . ἔχει τῶν ἱερῶν τὰς κλείς ἐν οἷς τὰ χρήματα καὶ τὰ γράμματα. καὶ ὅταν οἱ πρυτάνεις τὸν δῆμον ἢ τὴν βουλὴν συνάγωσιν, οὗτος ἐξ ἐκάστης φυλῆς πρόεδρον ἓνα κληροῖ, μόνην τὴν πρυτανεύουσιν ἀφίει. *Harporcr.* s. v. **πρόεδροι** : ἐκληροῦντο [ὑπὸ] τῶν πρυτάνεων (?) καθ' ἐκάστην πρυτάνειαν, εἰς ἐξ ἐκάστης φυλῆς πλὴν τῆς πρυτανεύουσας, οἷτινες τὰ περὶ τὰς ἐκκλησίας διῶκουν. . . . ὅτι δὲ ὁ καλούμενος ἐπιστάτης κληροῖ αὐτοὺς, εἰρηκεν Ἀριστοτέλης ἐν Ἀθηναίων Πολιτείᾳ. So Suidas, s. v. πρόεδροι. The first sentence of the quotation from Harpocration is corrupt.

man and to put questions to vote.<sup>1</sup> This is the view set forth by Schömann in his *De Comitiiis Atheniensium*, in which work the ten πρόεδροι, who are said to be a part of the πρυτάνεις, are called *Proëdri contribules*, while the nine mentioned by Pollux are called *Proëdri noncontribules*, and are supposed to be a distinct class.<sup>2</sup>

The dissertation of K. F. Hermann, *Epicrisis Quaestionis de Proëdriis apud Athenienses* (in the Göttingen Index Scholarum, winter of 1843-44), first brought order out of the chaos in which the subject remained after Schömann's investigation. Following the lead of Sigonius, who, three centuries before, had expressed the opinion that all the allusions to Proëdri in the assemblies referred to the nine who were not of the same tribe, Hermann noticed the important fact, that no mention of Proëdri occurs until after the period in which we find one of the Prytanen presiding in the Assembly. This simple observation removed at once all the inconsistencies and perplexities which had beset the subject.<sup>3</sup> Thus the whole matter is made perfectly clear, and all allusions in the classic writers to either presiding Prytanen or presiding Proëdri are reconciled by the view, that the Proëdri were an institution of the fourth century B. C.; that in earlier times the ἐπιστάτης,

<sup>1</sup> The following examples will show the nature of this evidence. Schol. in Dem. 594. 5: ἐπιστάτης δὲ λέγεται εἰς τῶν δέκα προέδρων. ἀφ' ἐκάστης δὲ φυλῆς τῶν δέκα προεβάλλοντο πεντήκοντα ἄνδρες καὶ ἐγίνοντο ὁμοῦ οἱ πάντες πεντακόσιοι. εἴτα ἐκ τούτων τῶν πεντακοσίων ἐπληροῦτο ἡ βουλὴ τῶν πεντακοσίων. οἱ αὐτοὶ δὲ καὶ πρυτάνεις ἐγίνοντο. . . . ἀπὸ δὲ τῶν πεντήκοντα πάλιν οὐ μείζων προεβάλλετο καὶ ἐκαλεῖτο πρόεδρος, ὡς εἶναι ἐκ τῶν δέκα φυλῶν δέκα προέδρους· τούτων δὲ τῶν προέδρων εἰς ἕκαστος αὐτῶν κατὰ διαδοχὴν καθ' ἐκάστην ἡμέραν ἐγίνετο ἐπιστάτης. The second ὑπόθεσις to Dem. in *Androt.*, after explaining the division of the five hundred senators into ten bodies of fifty each, thus proceeds: ἀλλ' ἐπειδὴ πάλιν οἱ πενήκοντα πολλοὶ ἦσαν εἰς τὸ ἀρχειν ἅμα, οἱ δέκα κατὰ κλήρον μιᾷς ἡμερᾶς τῶν ἑπτὰ, ὁμοίως δὲ ἕκαστος τῶν ἄλλων ἀπὸ κλήρου ἦρχε τὴν ἑαυτοῦ ἡμέραν, ἀρχῃ οὖν πληρωθῶσιν αἱ ἑπτὰ ἡμέραι. . . . ἰστέον ὅτι οἱ μὲν πενήκοντα ἐκαλοῦντο πρυτάνεις, οἱ δὲ δέκα πρόεδροι, ὁ δὲ εἰς ἐπιστάτης.

<sup>2</sup> See Schömann, *De Comitiiis*, Book I. Chapter 7.

<sup>3</sup> It will be seen that this view dispenses entirely with the *Proëdri contribules*, who were always an absolute fiction. Hermann (*De Proëdriis*, p. 11) thus expresses himself: "Quum ea commodissima solutio futura sit, ubi Sigonium secuti totam illam Proëdrorum contribulium nationem exstirpare atque eliminare potuerimus!" This race has now ceased to exist, at least in Germany.

who was chosen each day by the Prytanes by lot from their own number, presided in both Senate and Assembly; while in the time of the orators this ἐπιστάτης chose by lot each day (festivals excepted) nine πρόεδροι, one from the senators of each of the tribes except his own, who presided in both bodies, choosing one of their own number to act as their spokesman and to be the real president of the day, the latter being called ἐπιστάτης τῶν προέδρων.<sup>1</sup> The object of the change was obviously to give all of the ten tribes some part in managing the Senate and the Assembly; after it was made, the ἐπιστάτης of the Prytanes, besides his duty of choosing the nine πρόεδροι by lot, remained the responsible keeper of the treasure in the Acropolis and of the records in the public archives.<sup>2</sup> This view has been universally accepted in Germany, and by no one more cordially than by Schömann. Our own scholars have generally followed the German authorities. In England, however, where the publication of a translation of Schömann's *De Comitiis* in 1838 has given that work an undue prominence, many distinguished scholars have adhered to the views therein advocated long after sounder views have been accepted elsewhere. The older view is found in Grote's History of Greece,<sup>3</sup> in Smith's Dictionary of Antiquities, and even in the text of the latest edition of Liddell and Scott's Greek Lexicon (under πρόεδρος), though it is corrected in the *Addenda*. This tenacity on the part of English scholars in clinging to an old view may be partly conservatism; but it

<sup>1</sup> This view is perfectly consistent with the statements of Pollux, Harpocration, and Suidas (so far as the last two can be understood) quoted in note 3, page 166, except that these grammarians do not recognize the fact that there was an earlier system which was superseded by that which they describe. Suidas (s. v. ἐπιστάτης) adds something to the statement of Pollux. He says: ἐπειδὴν δὲ οἱ πρυτάνεις συναγάγωσι τὴν βουλὴν ἢ τὸν δῆμον, ὁ ἐπιστάτης κληροῖ προέδρους ἑνέα, ἀπὸ φυλῆς ἑκάστης ἓνα, πλὴν τῆς πρυτανεύουσας. καὶ πάλιν ἐκ τῶν ἑνέα τούτων ἐπιστάτην ἓνα κληροῖ, καὶ τὸ πρᾶγμα παραδίδωσιν. It would appear from this that the original ἐπιστάτης of the Prytanes himself chose the ἐπιστάτης of the Proëdri by lot. In another article s. v. ἐπιστάτης Suidas says: δύο ἦσαν Ἀθήνησιν ὧν ὁ μὲν ἐκ πρυτάνεων ἐκληροῦτο, ὁ δὲ ἐκ τῶν προέδρων. See Aeschin. *Ctes.* 39 (quoted in note 2, page 166).

<sup>2</sup> See Poll. viii. 96 (quoted in note 3, page 166); the same is repeated by Suidas, s. v. ἐπιστάτης.

<sup>3</sup> See Grote, Vol. IV. Chap. 31 (p. 185).

seems to be based also on the idea that the two views are both more or less theoretical, and that there is no decisive evidence of fact in favor of either.

It may, therefore, not be a useless work to point out a practical method for settling the truth of one or the other view by actual demonstration. If Schömann's older view is correct, the presiding officer in the Senate and the Assembly must always belong to the tribe which holds the prytany at the time; while, on the other supposition, he must belong to this tribe before the institution of the πρόεδροι, but afterwards he must always belong to one of the other nine tribes. On this question the Attic inscriptions give us decisive evidence. The *Corpus Inscriptionum Atticarum* now supplies us with an abundance of these which were unknown to the older scholars who discussed this question. The first mention of the title πρόεδροι in a document of which the date is known appears in a decree of the archonship of Nausinicus, 378-7 B. C. (C. I. A., Vol. II., Addenda, No. 17<sup>b</sup>). We read here, 'Ἐπὶ Ναυσωνίκου ἄρχοντος· ἔδοξεν τῇ βούλῃ καὶ τῷ δήμῳ· Ἀκωντῖ[ς ἐπρυτ]άνειεν, Ἀριστοτέλῃς ἐγραμμάτευ[εν, τῶν π]ροέδρων ἐπεψήφισεν Παντάρετο[ς . . . .]ιεύς. This shows that πρόεδροι presided in the Assembly as early as 378-7 B. C., but the deme of the president cannot be made out. The letters -ιεύς, however, can refer to no deme of the tribe Leontis except Sunium, and Σουνιεύς will hardly fill the vacant space. But we have another decree of the archonship of Nausinicus, in C. I. A., Vol. II. No. 17, in which there is no doubt of the deme of the president. This begins, 'Ἐπὶ Ναυσωνίκου ἄρχοντος, Καλλίβιος Κηφισοφώντος Παιανιεύς ἐγραμμάτευεν. 'Ἐπὶ τῆς Ἱπποθωντίδο[ς ἐβδό]μης πρυτανείας· ἔδοξεν τῇ βούλ[ῃ καὶ τῷ]ι δήμῳ· Χαρίνος Ἀθμον[εύς ἐπ]εστάτει. The deme Ἀθμονον belonged to the tribe Cecropis (Ross, *Demen von Attika*, p. 110), so that the president Charinus did not belong to the tribe Hippothontis, which held the prytany. Of course ἐπεστάτει can refer equally well to the ἐπιστάτης τῶν προέδρων as to the original ἐπιστάτης of the Prytanes, and the expression τῶν προέδρων ἐπεψήφισεν in the decree first quoted makes it certain that the person who is the subject of ἐπεστάτει in the

second, and who does not belong to the φυλή πρυτανεύουσα, must be a πρόεδρος. In Vol. II. No. 50, in a decree passed in 368-7 B. C., in the prytany of the tribe Aeantis, the president is called Παράμυθος Ὀτρυν[εύς]. The deme Ὀτρυνεῖς belonged to the tribe Aegeis (Ross, Demen, p. 130). In No. 116, a decree of the archonship of Nicomachus, 341-40 B. C., passed in the prytany of the tribe Pandionis, we find: τῶν προέδρων ἐπεψήφισ[ε]ν Ἀριστόμαχος ἐξ Οἴου. There were two demes named Οἶον, one in the tribe Hippothontis, the other in the tribe Leontis (Ross, Demen, p. 130). In the *Corpus Inscriptionum Atticarum* (Vol. II. and Addenda) are 24 Athenian decrees from the period between 378 B. C. and 320 B. C. in which the name of the tribe holding the prytany and that of the deme of the presiding officer of the Assembly can be read; and in no case does the deme of the president belong to the φυλή πρυτανεύουσα. It is therefore perfectly certain that in all these decrees, whether the name πρόεδρος is actually given to the presiding officer or not, we find the system of πρόεδροι described by Pollux, Harpocration, and Suidas in actual operation, the president being always the ἐπιστάτης τῶν προέδρων, and never one of the fifty Prytanes.

We have no earlier mention of the name πρόεδροι than that which is found in the decree first quoted from the year of Nausinicus, 378-7 B. C. Of the earlier time from the archonship of Euclides (403-2 B. C.) to this date we have only negative evidence, as there is no decree of this period in which the name of the president's deme can be read. But the importance of the era of Nausinicus in the financial history of Athens,—the year which saw the last vestige of the Solonic census swept away and a new system of taxation inaugurated,—gives us strong ground for believing that the first mention of πρόεδροι in this year is not an accident, but that the change in the presidency of the Senate and Assembly was a part of the radical reform for which this archonship is noted.<sup>1</sup>

<sup>1</sup> Meier, *De Epistatis Atheniensium* (in Halle *Ind. Schol.*, 1855), is cited by Schömann (*Gr. Alt.*, I., p. 400) and Hermann (*Staatsalt.*, § 127. 10) as placing the establishment of πρόεδροι between Olymp. 100. 3 and 102. 4, i. e. between 378 and

To make the demonstration complete, we ought to find proof in the decrees of the fifth century B. C. that the president of the Assembly then always belonged to the tribe which held the prytany. It has already been stated that no decrees of the period from Euclides to Nausinicus (402-379 B. C.) are found which give the requisite data; but from the year of Euclides himself, 403-2 B. C., we have an important inscription (C. I. A., Addenda, No. 1<sup>b</sup>) containing two decrees which give the evidence that is needed. The former was passed in the prytany of the tribe Pandionis, and we read, [Κα]λλίας Ὀαθεν ἐπεστάτει. The deme Ὀα or Ὅα belonged to the Pandionis (Ross, Demen, p. 140). In the other decree we read, [Ἐδοξεν τῇ βούλῃ]ι καὶ τῷ δήμῳ· Ἐρεχθίδης ἐπρυτάνευεν, Κηφισοφῶν Πα[ιανι]εὺ[ς] ἐγραμμάτευεν, Εὐκλ[ε]ίδης ἥρχε, Πύθων ἐκ Κήδων ἐπεστάτει, κ. τ. λ. Here again the president's deme Κηδαί belongs to the φυλὴ πρυτανεύουσα, the Erechtheis (Ross, Demen, p. 122). It is therefore certain that we have here the older system, by which the president is one of the Prytanes, like the ἐπιστάτης whom Nicias addresses as ὦ πρύτανι in Thucydides.<sup>1</sup> Besides this significant evidence, we have only negative testimony from the fifth century B. C. and preceding times. I can find no decree in the first volume of the C. I. A. (containing the documents earlier than Euclides) in which the name of the president's deme can be read. The regular formula with which decrees began in the fifth

369 B. C. I have not been able to refer to this programme of Meier; but the first inscription quoted above from the archonship of Nausinicus shows decisively that a πρόεδρος presided in the assembly in 378-7 B. C.

<sup>1</sup> This inscription was first published by Koumanoudes in the *Ἀθήναιον* (V., p. 92), with the name of the archon Φρασεκλείδης inserted where the letters -ειδης occur in the second decree. This would assign the inscription to the year 371-70 B. C., and the fact that in both decrees the ἐπιστάτης is one of the φυλὴ πρυτανεύουσα, seven years after we find πρόεδροι who belong to other tribes presiding in the Assembly, seemed inexplicable. But Köhler gives the strongest historic reasons for assigning the document to the end of the Peloponnesian war; and, further, the empty space before -κλείδης is too small for the letters Φρασι-. He therefore assigns it without hesitation to the year of Εὐκλείδης. If Köhler's argument for this date needed strengthening, it would be amply confirmed by the evidence showing that both decrees were passed under the older system by which the president of the Assembly was one of the Prytanes.



century B. C. is seen in the C. I. A., Vol. I. No. 32, a decree of 435 B. C.: [<sup>ν</sup>Εδ]οξεν τῇ βούλῃ καὶ τῷ δήμῳ· **Κεκροπίς** ἐπρυτάνευε, **Μνησίθεος** ἐ[γ]ραμμάτευε, **Εὐπείθης** ἐπεστάτει. **Καλλίας** εἶπε. The simple name of the ἐπιστάτης is given without further designation, so far as our evidence goes, except in the two decrees of the year of Euclides. The omission of the name of the deme in the earlier decrees and its insertion in later times may perhaps be explained by the consideration, that under the old system the president belonged to the φυλὴ πρυτανεύουσα, which was always named, so that his tribe was thus designated; while afterwards, when he might belong to any of the other nine tribes, he was hardly designated at all unless the name of his tribe or deme was given.

It can no longer admit of the slightest doubt, that Socrates was the ἐπιστάτης of the Prytanes, and the responsible president of the Assembly, on the memorable day when the question of passing judgment by a single vote on the eight generals after the battle of Arginusae came before the people of Athens. Socrates was chosen to the Senate that year as one of the fifty representatives of his tribe, the Antiochis, and while this tribe held the prytany he was chosen ἐπιστάτης for the day in question.<sup>1</sup> In this responsible position he ab-

<sup>1</sup> Grote's doubt (Vol. VIII. Chap. 64, p. 270) whether Socrates was really the ἐπιστάτης or only one of the Prytanes on this occasion will be settled by a comparison of the authorities. Xen. *Hellen.* I. vii. 14-16: τῶν δὲ πρυτάνεων τινῶν οὐ φασκόντων προθήσειν τὴν διαψήφισιν παρὰ τὸν νόμον, αὐθις Καλλιξένος ἀναβάς κατηγορεῖ αὐτῶν τὰ αὐτὰ· οἱ δὲ ἐβῶν καλεῖν τοὺς οὐ φάσκοντας. οἱ δὲ πρυτάνεις φοβηθέντες ὡμολογούν πάντες προθήσειν πλὴν Σωκράτους τοῦ Σωφρονίσκου· οὗτος δ' οὐκ ἔφη ἀλλ' ἢ κατὰ νόμον πάντα ποιήσειν. μετὰ δὲ ταῦτα ἀναβάς Εὐρυπτόλεμος ἔλεξεν ὑπὲρ τῶν στρατηγῶν ταδε. Id. *Mem.* I. i. 18: βουλευσας γάρ ποτε, . . . ἐπιστάτης ἐν τῷ δήμῳ γενόμενος, ἐπιθυμήσας τοῦ δήμου παρὰ τοὺς νόμους ἐνέα στρατηγούς μὲν ψήφῳ τοὺς ἀμφὶ Θράσυλλον καὶ Ἑρασμίδην ἀποκτείνει πάντας, οὐκ ἠθέλησεν ἐπιψηφίσαι, ὀργιζομένον μὲν αὐτῷ τοῦ δήμου, πολλῶν δὲ καὶ δυνατῶν ἀπειλούντων. Ibid. IV. iv. 2: καὶ ὅτε ἐν ταῖς ἐκκλησίαις ἐπιστάτης γενόμενος οὐκ ἐπέτρεψε τῷ δήμῳ παρὰ τοὺς νόμους ψηφίσασθαι, ἀλλὰ σὺν τοῖς νόμοις ἡναντιώθη τοιαύτῃ ὁρμῇ τοῦ δήμου ἣν οὐκ ἂν οἶμαι ἄλλον οὐδένα ἀνθρώπων ὑπομείναι. Plat. *Apol.* 32 B: ἄλλην μὲν ἀρχὴν οὐδεμίαν πώποτε ἤρξα ἐν τῇ πόλει, ἐβούλευσα δέ· καὶ ἔτυχεν ἡμῶν ἡ φυλὴ Ἀντιοχίς πρυτανεύουσα, ὅτε ὑμεῖς τοὺς δέκα στρατηγούς τοὺς οὐκ ἀνελομένους τοὺς ἐκ τῆς ναυμαχίας ἐβούλεσθε ἀθρόους κρίναι, παρανόμως, ὥς ἐν τῷ ὑστέρῳ χρόνῳ πᾶσιν ὑμῖν ἔδοξε. τότ' ἐγὼ μόνος τῶν πρυτάνεων ἡναντιώθην ὑμῖν μηδὲν ποιεῖν παρὰ τοὺς νόμους, καὶ ἐτοίμων ὄντων ἐνδεικνύει με καὶ ἀπάγειν τῶν ῥητόρων, καὶ ὑμῶν κελευόντων καὶ βοῶν-

olutely refused to put the illegal proposition to vote, and stoutly maintained this ground against such clamor and threats as would have overpowered almost any other man, as they appear actually to have overcome the opposition of the other Prytanes who objected. I cannot infer from these accounts that Socrates was compelled to yield and to put the illegal motion by the outcry that was raised ; still less, that this motion (as Grote states<sup>1</sup>) “was ultimately put by the remaining Prytanes without his concurrence.” If we suppose the original *ἐπιστάτης* to have been the mere spokesman of the fifty Prytanes (as we may perhaps suppose the later *ἐπιστάτης* to have been that of the nine *πρόεδροι*), so that they could overrule his decisions and compel him to follow their direction, it would not have been necessary for the opponents of Socrates to resort to threats of criminal prosecution against him and the minority of Prytanes who sustained him ; a far simpler course would have been to persuade his colleagues to vote him down or supersede him in the presidency. The whole tenor of the accounts seems to me to show that Socrates as *ἐπιστάτης* had absolute power to prevent the question from being put, and, further, that he exercised that power stoutly, and with at least temporary success, against the clamor of the people and the advice and persuasion of his colleagues. The question how the illegal proposition was finally carried in the Assembly, so that the purpose of Socrates was frustrated and the generals were condemned by a single vote of the people, unfortunately cannot be answered satisfactorily, from the want of an accurate historian. We see here too plainly

των, μετὰ τοῦ νόμου καὶ τοῦ δικαίου ᾧ μιν μᾶλλον με δεῖν διακινδυνεύειν ἢ μεθ' ὑμῶν γενέσθαι μὴ δίκαια βουλευομένων, φοβηθέντα δεσμὸν ἢ θάνατον. Id. *Gorg.* 473 E : καὶ πέρυσσι βουλεύειν λαχὼν, ἐπεὶ δὴ ἡ φυλὴ ἐπρυτάνευε καὶ ἔδει με ἐπιψηφίζεω, γέλωτα παρείχον καὶ οὐκ ἠπιστάμην ἐπιψηφίζεω.

<sup>1</sup> Grote, VIII. p. 271. See p. 272 : “The constitutional impediment being thus overthrown, the question was regularly put by the Prytanes to the Assembly.” Grote seems to think that the act of *ἐπιψηφίζεω*, to which Socrates objected, consisted in opening the debate on the proposition, whereas it obviously was putting the proposition to vote. The debate upon the illegal proposition of the Senate had been going on, as Xenophon describes it, long before Socrates intervened with his refusal to take the vote. See *Hellen.* I. vii. 9-13.

that we have lost Thucydides and must make the best of Xenophon.

Two answers are possible. First, we may take the view that the refusal of Socrates to put the illegal motion caused this to be withdrawn, so that no further attempt to carry the original proposition of the Senate was made, and that the way was therefore clear for other propositions. Euryptolemus now made a speech advocating an entirely legal course of procedure, and ended by moving formally that the generals be tried separately according to the decree of Canonon, which seems to have forbidden the condemnation of more than one person by a single vote. We see, therefore, that the motion now brought before the Assembly was a perfectly legal one, which Socrates could not object to putting to vote. When the vote was taken, this motion was declared carried. Xenophon's obscure account does not make it clear exactly how the vote was reversed;<sup>1</sup> but it is plain that threats of prosecution were renewed in some form, and that a second vote was taken by which the original proposition (to try all together) was substituted for the new motion and carried. If Socrates still remained president, we must suppose that the confusion in the Assembly which followed the vote approving the motion of Euryptolemus enabled some skilful politician to introduce the original proposition as an amendment at the last minute, and to carry it before Socrates understood the manoeuvre, or when he was helpless to stop proceedings. This view supposes that the proposition of Euryptolemus was a regular motion, made when there was no other motion before the assembly. This seems to be implied in Xenophon's words *ἔγραψε γνώμην*, although it is inconsistent with his subsequent account of a *διαχειροτονία*, or alternative vote on this motion and the original illegal motion. I cannot believe that Socrates could have consented to put such a double mo-

<sup>1</sup> Xen. *Hellen.* I. vii. 34: ταῦτ' εἰπὼν Εὐρυπτόλεμος ἔγραψε γνώμην κατὰ τὸ Καννώνου ψήφισμα κρίνεσθαι τοὺς ἄνδρας δίχα ἕκαστον · ἡ δὲ τῆς βουλῆς ἦν μίᾳ ψήφῳ ἅπαντας κρίνειν. τούτων δὲ διαχειροτονουμένων τὸ μὲν πρῶτον ἔκριναν τὴν Εὐρυπτολέμου · ὑπομοσαμένου δὲ Μενεκλέους καὶ πάλιν διαχειροτονίας γενομένης ἔκριναν τὴν τῆς βουλῆς.

tion, which included the illegal proposition as an alternative, when he had refused to put the latter as a separate motion ; nor can I reconcile such action on his part with the language which is attributed to him by Plato and in the Memorabilia. Unless, therefore, the reference to a διαχειροτονία in the Hellenica is discredited as inconsistent with the preceding words, we are driven to the only alternative, which is on the whole more free from difficulties, that of supposing the speech of Euryptolemus to be made, and the two votes to be taken, in another meeting of the Assembly on another day. There is nothing to imply that the whole transaction was finished in one session of the Assembly, except the words of Xenophon, μετὰ δὲ ταῦτα ἀναβάς, etc. (end of the quotation from the Hellenica in the note on page 172) ; but this can hardly pass for much in a writer like Xenophon, and we have at least the authority of the spurious Platonic Axiochus<sup>1</sup> for saying that the condemnation of the generals took place on the day after the refusal of Socrates to take the vote. On this supposition, there remains no difficulty about the consent of the ἐπιστάτης to any form of vote, as Socrates could not preside twice in the same year.<sup>2</sup>

<sup>1</sup> [Plat.] Axioch. 368 D : ποῦ δὲ πρῶν οἱ δέκα στρατηγοί ; ὅτ' ἐγὼ μὲν οὐκ ἐπηρόμην τὴν γνώμην · οὐ γὰρ ἐφαίνετό μοι σεμνὸν μαινομένῳ δήμῳ συνεξάρχειν · οἱ γὰρ περὶ Θηραμένην καὶ Καλλίξενον τῇ ὑστεραίᾳ πρόεδρους ἐγκαθέτους ὑφέντες κατεχειρότηνσαν τῶν ἀνδρῶν ἀκριτον θάνατον. The allusion to πρόεδροι in 406 B. C. is enough to condemn the passage as spurious.

<sup>2</sup> Poll. VIII. 96 : δις δ' οὐκ ἐξεστὶ γενέσθαι τὸν αὐτὸν ἐπιστάτην. This refers to the ἐπιστάτης of the Prytanes.